

REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Claim Rejections – 35 USC § 103

At paragraphs 5-10 of the Office Action, the Examiner has raised an obviousness rejection against claims 1-19, 21, 22, 23-25, 26-40, 42-44 and 46 of the present application. The Applicant strongly disagrees with the Examiner's rejection and requests withdrawal of the claims rejections in view of the comments set out below.

Firstly, in support of the Applicant's submissions, the Examiner's attention is drawn to the MPEP guidelines at §2143 "Basic Requirements of a Prima Facie Case of Obviousness" which states the following:

"...three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in the Applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed Cir, 1991)"

In this regard, the Applicant submits that the Examiner has not shown that all claim limitations of at least method claims 1, 4 and 5 have been taught or even suggested by the combination of the cited documents.

It is noted from the Office Action that the Examiner believes that *Perazza* merely fails to teach the following feature:

"sensing the indicating data relative to a bill..."

However, the Applicant fails to understand how the Examiner has arrived at this conclusion. Firstly, neither one of independent method claims 1, 4 or 5 teach of the feature stated by the Examiner. The Applicant therefore submits that the Examiner has incorrectly quoted the wording of the claims. If this is not the case, the Examiner is requested to identify specifically which part of any one of claims 1,4 or 5 recites the feature as stated by the Examiner.

In any event, as emphasised in the Applicant's earlier response dated 18 February 2005, the Applicant notes that *Perazza* in combination with *Ogawa* fails to teach all features of claims 1, 4 and 5.

For instance, in respect to claim 1, *Perazza* fails to teach that the computer system receives indicating data regarding the identity of the bill and a position of the sensing device relative to the bill. Claim 4 requires that the computer receives indicating data regarding said at least

one parameter and regarding movement of the sensing device relative to the bill. *Perazza* again fails to suggest that movement of the sensing device relative to the bill is ever determined. Claim 5 further requires that the computer system receive indicating data regarding an identity of the person with the identity of the person with the identity of the person being contained in the sensing device. This step is also not shown in the *Perazza* document. Moreover, upon reviewing the *Ogawa* citation, it is clear that this document entirely fails to teach or suggest the above-described features of claims 1,4 and 5 which are missing from the *Perazza* document.

Therefore, in view of the Applicant's above comments the Applicant submits that a *prima facie* finding of obviousness against at least claims 1, 4 and 5 cannot properly be established in accordance with the §2143 of the MPEP guidelines given that a person of ordinary skill in the art could not be expected to combine non-existent integers in the citations so as to arrive at the claimed invention. By virtue of their dependency upon claims 1, 4 and 5, it is submitted that the obviousness rejections directed towards their dependent claims should also be withdrawn accordingly. Similar arguments apply in respect to the corresponding system claims 29, 32, 33 and their dependencies.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections raised in the Office Action. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,

Applicant:

KIA SILVERBROOK

PAUL LAPSTUN

SIMON ROBERT WALMSLEY

JACQUELINE ANNE LAPSTUN

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762